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LOK SABHA

The following Bills were introduced in Lok Sabha on the 2nd March, 1964:—

BILL NO. 13 OF 1964

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1964-65 for the purposes of Railways.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) Act, Short title. 1964.
- 5 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand, three hundred and thirty-four crores, forty-five lakhs and ninety-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1964-65, in respect of the services relating to Railways specified in column 2 of the Schedule. Issue of Rs. 1,334,45,97,000 out of the Consolidated Fund of India for the financial year 1964-65.
- 10 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1	2	3			
No. of Vote	Services and purposes	Sums not exceeding			5
		Voted by Parliament	Charged on the Consoli- dated Fund	Total	
		Rs.	Rs.	Rs.	
1	Railway Board	1,09,50,000	..	1,09,50,000	
2	Miscellaneous Expenditure	3,01,52,000	3,02,000	3,04,54,000	10
3	Payments to Worked Lines and Others	33,53,000	..	33,53,000	
4	Working Expenses—Adminis- tration	47,60,44,000	1,00,000	47,61,44,000	
5	Working Expenses—Repairs and Maintenance	151,58,21,000	1,00,000	151,59,21,000	15
6	Working Expenses—Operat- ing Staff	92,79,16,000	1,00,000	92,80,16,000	
7	Working Expenses—Opera- tion (Fuel)	104,19,59,000	1,00,000	104,20,59,000	20
8	Working Expenses—Opera- tion Other than Staff and Fuel	31,12,02,000	87,23,000	31,99,25,000	
9	Working Expenses—Miscella- neous Expenses	29,61,25,000	9,72,000	29,70,97,000	25
10	Working Expenses—Labour Welfare	15,68,09,000	..	15,68,09,000	
11	Working Expenses—Appropria- tion to Depreciation Reserve Fund	83,00,00,000	..	83,00,00,000	30
11-A	Working Expenses—Appropria- tion to Pension Fund	19,00,00,000	..	19,00,00,000	
11-B	Withdrawal from Pension Fund	3,99,02,000	98,000	4,00,00,000	
12	Payments to General Revenues	103,23,45,000	..	103,23,45,000	
13	Open Line Works (Revenue)	12,99,96,000	4,000	13,00,00,000	35
14	Construction of New Lines	80,84,00,000	10,18,000	80,94,18,000	
15	Open Line Works—Additions and Replacements	489,23,52,000	9,41,000	489,32,93,000	
16	Open Line Works—Develop- ment Fund	33,00,94,000	77,000	33,01,71,000	40
18	Appropriation to Development Fund	30,86,42,000	..	30,86,42,000	
	TOTAL	1,333,20,62,000	1,25,35,000	1,334,45,97,000	

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Consolidated Fund and the grants made by Lok Sabha in respect of the estimated expenditure of the Central Government on Railways, for the financial year 1964-65.

H. C. DASAPPA.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 64-B-4017/1, dated the 11th February, 1964 from Shri H. C. Dasappa, Minister of Railways, to the Secretary, Lok Sabha].

The President having been informed of the subject matter of the proposed Appropriation Bill providing for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Fund and the grants made by the Parliament for the financial year, 1964-65, recommends under Clauses (1) and (3) of article 117 of the Constitution the introduction in and consideration by the Lok Sabha of the Appropriation Bill.

BILL No. 12 OF 1964

A Bill further to amend the High Court Judges (Conditions of Service) Act, 1954.

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1964.

Amend-
ment of
section 14.

2. In section 14 of the High Court Judges (Conditions of Service) Act, 1954 (hereinafter referred to as the principal Act), in clause (b) of the first proviso, for the words "sixty years", the words, figures and letters "sixty-two years, and, in the case of a Judge holding office on the 5th day of October, 1963, sixty years" shall be substituted.

28 of 1954.

10

Insertion
of new
section
23C.

3. After section 23B of the principal Act, the following section shall be inserted, and shall be deemed always to have been inserted, namely:—

Special
provision
in respect
of Judges
transfer-
red from
the High
Court of
Jammu
and
Kashmir.

"23C. (1) In the calculation of service for pension of a Judge of the High Court of Jammu and Kashmir transferred to any other High Court, his service for pension as a Judge of the High Court of Jammu and Kashmir shall also be reckoned as service for pension under this Act.

(2) In the calculation of the amount of leave at the credit of a Judge of the High Court of Jammu and Kashmir transferred to any other High Court, the amount of leave due to him as a Judge of the High Court of Jammu and Kashmir shall be added to the amount of leave at his credit under this Act."

STATEMENT OF OBJECTS AND REASONS

Under section 14 of the High Court Judges (Conditions of Service) Act, 1954, pension is payable to a Judge on his retirement, if he has attained the age of sixty years. The age of retirement of a Judge has however been raised from sixty to sixty-two years by the Constitution (Fifteenth Amendment) Act, 1963 and it is necessary to make corresponding amendments in section 14 of the Act. It is also proposed to provide that if a Judge holding office on the 5th October, 1963, when the Constitution (Fifteenth Amendment) Act came into force, desires to retire on attaining the age of sixty years, he should also be entitled to pension.

2. Article 222 of the Constitution provides for the transfer of Judges from one High Court to another, including transfers from the High Court of Jammu and Kashmir and transfers to that High Court. When a Judge of the High Court of Jammu and Kashmir is transferred to any other High Court, it is necessary to provide that for the purpose of calculating leave and pension due to the Judge under the Act, his previous service as a Judge of the High Court of Jammu and Kashmir should be taken into account.

The Bill seeks to achieve these objects.

NEW DELHI;
The 17th February, 1964.

R. M. HAJARNAVIS.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA

[Copy of letter No. 20/1/64-Judl.I, dated the 22nd February, 1964 from Shri R. M. Hajarnavis, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha].

The President having been informed of the subject matter of the High Court Judges (Conditions of Service) Amendment Bill, 1964, recommends the introduction and consideration of the Bill in the Lok Sabha under article 117(1) and 117(3) of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend section 14 of the High Court Judges (Conditions of Service) Act, 1954, to provide that normally pension is payable to a Judge on his retirement if he has attained the age of sixty-two years. The raising of age of retirement of High Court Judges from 60 to 62 years would result in increased pension in certain cases. At present provision is being made in the budget of the order of about Rs. 12 to 13 lakhs in the various Circles of Accounts for payment of pensions to High Court Judges which are first charged on the Consolidated Fund of India under article 112(3) (d) of the Constitution but subsequently recovered from the States concerned under article 290 of the Constitution. The recoveries are adjusted in accounts in reduction of expenditure. The budget provision required to be made in future will be slightly increased. It is not, however, possible to frame an accurate estimate of the likely increase which will depend on several factors, e.g., length of service of a Judge, etc. As the increased expenditure will be met by increased recoveries from the States, there would not ultimately be any additional expenditure from the Consolidated Fund of India.

2. Clause 3 of the Bill provides for the counting of previous service for pension and the carryover of leave of a Judge of the High Court of Jammu and Kashmir transferred to any other High Court. As regards leave salary, it would be payable by the State Government concerned. Even as regards pension, though initially it will be charged on the Consolidated Fund of India, it will ultimately be recovered from the State Government concerned.

3. It will thus appear that ultimately no additional expenditure from the Consolidated Fund of India would be involved.

M. N. KAUL,
Secretary.